

City of Fort Lauderdale Planning and Zoning Board
Case 6-ZR-04

STAFF REPORT
October 20, 2004

Applicant	Publix Supermarket, Inc./ Publix #101	
Request	Site Plan Approval / Rezoning with Commercial Flex Allocation	
Location	3500 Davie Boulevard	
Legal Description	A portion of Tract "B", and portions of the North ½ of Section 18, Township 50 South, Range 42 East of "Pearl Estates", P.B.40, P.42 and Block 1, Lot 14, and portion of Lots 13 and 15, P.B. 28, P. 18 of Breezy Way Manor.	
Property Size	135, 942 sq. ft. or 3.12 acres (entire site including north parking lot)	
Zoning	CB & RS-8 (proposed CB)	
Existing Land Use	Commercial & Low-Medium Residential	
Future Land Use Designation	Commercial	
Comprehensive Plan Consistency	Consistent	
Other Required Approvals	City Commission Approval	
Applicable ULDR Sections	Sec. 47-6 Business Zoning Districts Sec. 47-20 Parking and Loading Zone Requirements Sec 47-21 Landscape Sec. 47-24.4 Rezoning Sec. 47-28 Flexibility Rules Sec. 47-25.2 Adequacy Requirements Sec. 47-25.3 Neighborhood Compatibility Requirements	
Setbacks/Yards	Required	Existing/Proposed
Front (N)	5'	134'
Side (W)	10'	73', 4"
Rear (S)	15'	29'
Corner (E)	5'	80', 7"
Lot Density	N/A	N/A
Lot Size (total site)	None	135,942 S.F. / 3.12AC
Lot Width	None	N/A
Building Height	150'	35'
Structure Length	N/A	232', 8"
Floor Area	N/A	32,502 S.F.
VUA Landscaping	20%	33.4%
Landscaping Lot Coverage	N/A	N/A
Open Space	N/A	N/A
Parking	130	138
Notification Requirements	<ul style="list-style-type: none"> • Mail notice to property owners and property owners within 300' • Sign Notice *Notice requirements pursuant to Section 47-27.5	
Action Required	Approve, Approve with Conditions, or Deny	
Project Planner	Name and Title	Initials
	Ella Parker, Planner I	
Authorized By	Chris Barton, AICP, RLA, Principal Planner	
Approved By	Marc LaFerrier, Planning and Zoning Director	

Request:

The applicant is seeking to rezone a portion of their site from RS-8 to CB, with allocation of commercial flex on the parcel currently zoned RS-8, which is 6,810 S.F. / 0.16 acres in size. The allocation of commercial uses on residential land use requires a site plan to be submitted and reviewed along with the rezoning request. A separate sketch and legal description has been submitted for the parcel to be rezoned (**Exhibit 1**).

Property/Project Description:

The proposed project is located on the southwest corner of Davie Boulevard and S.W. 35th Avenue (3500 W. Davie Boulevard). Presently, there is an existing one-story Publix grocery store and a vacant Eckerd pharmacy on the site, equivalent to a total building area of 32,758 square feet. The applicant proposes to demolish the existing building and construct a new one-story Publix grocery store.

The project is located mainly in the Community Business (CB) zoning district. A portion of the parking lot to the west of the existing building is within the RS-8 zoning district. The site is contiguous to residential properties to the south and west. Upon granting of this request, the entire proposed development site will have a commercial zoning designation, which will permit the development of the proposed grocery store.

The subject site is located in Flex Zone 57, which has 18.34 acres of commercial flex remaining. This request, if granted, will utilize an additional 0.16 acres or 6,810 S.F.

The proposed building is one story and thirty-five feet (35') in height at its highest point. Gross floor area of the building will be 32,502 square feet. The building meets all setback and bufferyard requirements. Parking provided exceeds the minimum code requirements. The applicant has submitted a letter regarding the details and hours of operation (**Exhibit 2**).

Parking and Traffic:

The proposed building generates a parking requirement of one hundred and thirty (130) spaces. One hundred and thirty-eight (138) parking spaces have been provided, including five (5) handicapped parking spaces.

Currently, there are three points of access to the site, two on W. Davie Blvd. and one on S.W. 35th Ave. The easternmost Davie Blvd. access point will be removed and the proposed westernmost Davie Blvd. access point will be moved further west, and will be restricted to right in and right out movements by the Florida Department of Transportation (FDOT). As per FDOT's request, the adjacent access point to the Sunset Presbyterian Church (their easternmost driveway) will be removed. The applicant has an agreement with the church to provide them with an alternative access (**Exhibit 3**).

The applicant proposes a second driveway on S.W. 35th Avenue south of Davie Blvd. Both of these points of access will allow for ingress and egress. The loading dock will be relocated to the west side of the property. The proposed access plan for the project was reviewed by the FDOT, and these proposed modifications will be required for the necessary engineering permit.

A traffic study prepared by Carter & Burgess Inc. on the applicant's behalf, has been reviewed by the City's Consultant and the City's Engineering Design Manager. According to the City consultant's review (**Exhibit 4**), the east intersection of W. Davie Boulevard and S.W. 35th Avenue will operate at acceptable levels, assuming signalization occurs as recommended by FDOT. The City's consultant has stated that a signal warrant study, coordinated with city, county, and state traffic specialists, will be required to determine if signalization at the intersection will need to be implemented. The signal warrant study should be conducted between ninety (90) and one hundred and eighty (180) days from the completion of the improvements. The City's consultant has also suggested that the applicant conduct a more detailed analysis to determine the combined signalization of the two S.W. 35th Avenue intersections, and how they will operate in a combined manner.

The City's Engineering Design Manager concurs with the City consultant's findings and recommends approval of the subject site plan with the condition that the owner supply a bond with sufficient security to fund the necessary warrant study and any required signal and intersection improvements to the office of the City Engineer, to be required as a result of the study prior to the issuance of a certification of occupancy for the project. The bond amount shall be authorized by the Broward County Traffic Engineering Division following submittal of a certified engineer's construction cost estimate.

ULDR Sec. 47-25.2, Adequacy Requirements and Sec. 47-25.3, Neighborhood Compatibility Requirements:

The proposed project is also subject to ULDR *Sec. 47-25.2 Adequacy Requirements* and *Sec. 47-25.3, Neighborhood Compatibility Requirements*. The applicant has provided narratives to address these sections (**Exhibit 5**).

Staff concurs with the applicant's assessment of meeting the Adequacy criteria. The Board is to determine if the proposal meets the Neighborhood Compatibility criteria.

Rezoning Criteria:

The applicant has provided a narrative (attached as **Exhibit 6**) outlining compliance with the criteria for rezoning. Staff is in agreement with the applicant's assessment.

Comprehensive Plan Consistency:

The application is consistent with the following:

- Policy 15.1: Where appropriate, create necessary buffering to protect established neighborhoods from the encroachment of commercial uses.
- Policy 19.5: Limited intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and floor area ratio limitations and buffering requirements.
- Policy 20.6: Continue to utilize intensity criteria contained in the Future Land Use Element to ensure that commercial development is compatible with adjacent residential land uses.

Prior Reviews:

This proposal was reviewed by the Development Review Committee on April 27, 2004 and all comments have been addressed.

Planning and Zoning Board Review Options:

If the Planning and Zoning Board determines that the proposed request meets the standards and requirements of the ULDR for rezoning and Site Plan Level III Review, the Board shall approve or approve with conditions necessary to ensure compliance and so recommend to the City Commission.

If the Planning and Zoning Board determines that the proposed request does not meet the standards and requirements of the ULDR for rezoning and Site Plan Level III, the Board shall deny the request and so recommend to the City Commission.

Should the Board approve the proposed development and associated rezoning request, the following conditions are proposed by staff:

1. As per the City traffic consultant's recommendation, a signal warrant study coordinated with city, county, and state traffic specialists is required to determine if signalization at the intersection of Davie Boulevard and S.W. 35th Avenue will need to be implemented. The signal warrant study should be conducted between ninety (90) and one hundred and eighty (180) days from the completion of the improvements.
2. As per the City traffic consultant's recommendation, the applicant shall conduct a more detailed analysis to determine the combined signalization of the two S.W. 35th Avenue intersections.

3. As per the City's Engineering Design Manager, the owner shall supply a bond, with sufficient security to fund the necessary warrant study and any required signal and intersection improvements to be required as a result of the study, to the office of the City Engineer prior to the issuance of a certification of occupancy for the project. The bond amount shall be authorized by the Broward County Traffic Engineering Division following submittal of a certified engineer's construction cost estimate.
4. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
5. A Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
6. Final Development Review Committee approval.

City of Fort Lauderdale
Building Services Division Construction Debris Mitigation Policy

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant